

**FREDERICK COUNTY LIQUOR BOARD**  
***Public Meeting Minutes***  
***Monday, June 6, 2011***

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Those Present: Mr. James E. McClellan, Chairman  
Mr. Robert C. Snyder, Board Member  
Mr. Charles R. Cline, Board Member  
Mrs. Linda B. Thall, Sr. Assistant County Attorney  
Ms. Kathy L. Vahle, Administrator  
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector  
Mrs. Sandra Rees, Administrative Specialist IV  
Mrs. Ashley Sklarew, Administrative Specialist IV

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A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:00 am by Chairman McClellan.

1. **Crumland Farms Incident** – Per the Board's instructions, Ms. Vahle contacted other jurisdictions about violation hearings for one day special licenses. The other jurisdictions would bring licensees in for violation hearings.

**MOTION ONE:** Mr. Cline made a motion to bring the licensee in for a hearing.

**SECOND:** Mr. Snyder seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Cline – Aye  
Mr. Snyder – Aye  
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

2. **Sunshine Liquors** – The only licensee on this license had requested not to appear for a violation hearing due to being very ill. He was told he would have to appear or provide a Power of Attorney. The Board discussed the need for licensees to be present when necessary. Ms. Vahle stated she told the owners of this establishment to consider replacing this licensee because all licensees need to appear when asked by the Board.

3. **Maryland Ensemble Theatre** – Inspector DeLauter stated he went to a showing of the Clockwork Orange and there was no nudity.

4. Decision Required: New

RE: Jerry Lynn Funk, Stacey Lee  
Brown and Honorio Ramirez  
Huerta  
J. R. Sports Bar &  
Restaurant, Inc.  
t/a J. R. Sports Bar &  
Restaurant, Inc.  
605 South Main Street  
Woodsboro, MD 21798  
Class B, On Sale, Beer, Wine and Liquor

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: Final Zoning, Occupancy Permit, Fire Marshal, Health Dept., Alcohol Awareness, Retail Sales Tax License and the Inspector's Report. Mr. Funk stated they are in the process of renovating the building and if granted the license they will be ready to open in the first week in July.

**MOTION ONE:** Mr. Snyder made a motion for a conditional approval until September 12, 2011.

**SECOND:** Mr. Cline seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Snyder – Aye  
Mr. Cline – Aye  
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

5. Decision Required: New

RE: Jeffrey Taboada, Antonio  
Schiano DiCola and Juan  
Bautista Hernandez  
Mistero, LLC

t/a Mistero  
18 Market Space  
Frederick, MD 21701  
Class B, On Sale, Beer, Wine and Liquor

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: Final Zoning, Occupancy Permit, Fire Marshal, Health Dept., Alcohol Awareness and the Inspector's Report. Mr. Taboada stated he has spoken to the Health Dept., Fire Marshal and needs to obtain all the permits, they are not ready to open.

**MOTION ONE:** Mr. Cline made a motion for a conditional approval until September 12, 2011.

**SECOND:** Mr. Snyder seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Cline – Aye  
Mr. Snyder – Aye  
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

6. Decision Required: New

RE: Robert L. Harne, Jr. and  
Robin L. Harne  
for the use of  
Rube's Crab Shack, LLC  
t/a Rube's Crab Shack  
17308 N. Seton Ave.  
Emmitsburg, MD 21727  
Class B, On Sale, Beer, Wine and Liquor

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: Final Zoning, Occupancy Permit, Fire Marshal, Health Dept., Retail Sales Tax License, Alcohol Awareness and the Inspectors Report. Mrs. Harne stated that they are still renovating and are not ready to open.

**MOTION ONE:** Mr. Snyder made a motion for a conditional approval until September 12, 2011.

**SECOND:** Mr. Cline seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Snyder – Aye  
Mr. Cline – Aye  
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

7. Decision Required: Violation Hearing

RE: Archana Gupta & Sudesh  
Kumar Gupta  
for the use of 1090  
Corporation  
t/a Hillcrest Wine & Spirits  
1090 W. Patrick Street  
Frederick, Maryland 21703  
Class A, Off Sale, Beer, Wine & Liquor  
License Number 11AL 1018 SU  
FCLB Case Number: 4832

The Board held a violation hearing on a charge that on February 24, 2011, either directly or through an employee, the licensee allegedly sold alcoholic beverages to a minor. Mrs. Thall swore in the licensees and potential witnesses. (See attached Sign In Sheet). Mrs. Gupta, the licensee, pled Guilty. She said they did check the ID but made a mistake on the date.

**MOTION ONE:** Mr. Cline made a motion for a fine of \$1000 plus a 10 day suspension that will be suspended for a period of 1 year.

**SECOND:** Mr. Snyder seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Cline – Aye

Mr. Snyder – Aye  
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

8. Decision Required: Violation Hearing

RE: Caleb Ewing & Mary Jane  
Ewing  
for the use of Ewing Holdings,  
Inc.  
t/a Snax (Old Farm)  
2050 Yellow Springs Road  
Frederick, Maryland 21702  
Class A, Off Sale, Beer & Light Wine  
License Number 11AW 1100 SU  
FCLB Case Number: 4831

The Board held a violation hearing on a charge that on February 24, 2011, either directly or through an employee, the licensee allegedly sold alcoholic beverages to a minor. Mrs. Thall swore in the licensees and potential witnesses. (See attached Sign In Sheet). Mr. Ewing pled Guilty and stated the clerk is an outstanding employee but made a mistake in checking the ID.

**MOTION ONE:** Mr. Snyder made a motion for a fine of \$700.

**SECOND:** Mr. Cline seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Snyder – Aye  
Mr. Cline – Aye  
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

9. Decision Required: Violation Hearing

RE: Norman Amtower  
for the use of Munich SLK,  
Inc.  
t/a Sunshine Liquors

701 Motter Avenue  
Frederick, Maryland 21701  
Class A, Off Sale, Beer, Wine & Liquor  
License Number 11AL 1201 SU  
FCLB Case Number: 4833

The Board held a violation hearing on a charge that on February 24, 2011, either directly or through an employee, the licensee allegedly sold alcoholic beverages to a minor. Mrs. Thall swore in the licensees and potential witnesses. (See attached Sign In Sheet). The owner pled Guilty. The clerk has an eyesight problem and made a mistake.

**MOTION ONE:** Mr. Cline made a motion for a fine of \$400.

**SECOND:** Mr. Snyder seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Cline – Aye  
Mr. Snyder – Aye  
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

10. Decision Required: Violation Hearing

RE: Theodore Bryan, Reginald  
Davis & Howard Stewart  
for the use of Amvets Post #5,  
Inc.  
t/a Amvets Post #5  
118 W. All Saints Street  
Frederick, Maryland 21701  
Class C, On Sale, Beer, Wine & Liquor  
License Number 11CL 1037  
FCLB Case Number: 4898

The Board held a violation hearing for the following charges:

1. On Saturday, January 1, 2011, either directly or through an employee, the licensees knowingly permitted the consumption of alcoholic

beverages by patrons on the premises after 2:00 am.

2. On Saturday, January 1, 2011, either directly or through an employee, the licensees allowed alcoholic beverages to be served, dispensed or given away on the premises after 2:00 am.
3. On Saturday, January 1, 2011, either directly or through an employee, the licensees allowed patrons to remain in the establishment after 2:00 am.
4. On Saturday, January 15, 2011, either directly or through an employee, the licensees knowingly permitted the consumption of alcoholic beverages by patrons on the premises after 2:00 am.
5. On Saturday, January 15, 2011, either directly or through an employee, the licensees allowed patrons to remain in the establishment after 2:00 am.

Mrs. Thall swore in the licensees and potential witnesses. (See attached Sign In Sheet). Mr. Stewart pled Not Guilty to all five charges. Mr. Stewart stated that it was twenty minutes of two when Inspector DeLauter, the Fire Marshal and Frederick City Police Officer Earl Rocca came into the club. Inspector Delauter, the Fire Marshal and the Police Officer testified that the time was confirmed with the Frederick City Police Dispatch at 2:03AM.

The findings of fact were as follows:

1. There were customers inside the premises after 2:00 AM January 1, 2011.
2. One or more of those patrons consumed alcoholic beverages after 2:00 AM.
3. The licensees or an employee knowingly permitted the consumption of alcoholic beverages after 2:00AM on January 1, 2011.
4. The licensees violated Article 2B, §11-304(l)(1) by allowing after hours consumption of alcoholic beverages on January 1, 2011.
5. The licensees violated Article 2B, §11-511(c) by allowing the after hours consumption of alcoholic beverages on January 1, 2011.
6. The licensees violated Section §5.9 of the Board's Regulations by allowing after hours consumption of alcoholic beverages on January 1, 2011.
7. The licensees violated Section §5.19(d) of the Board's Regulations by allowing after hours consumption of alcoholic beverages on January 1, 2011.

Second Charge:

1. There were customers in the premises after 2:00AM on Saturday, January 1, 2011.

2. The licensees or an employee allowed alcoholic beverages to be served, dispensed or given away on the premises after 2:00AM on January 1, 2011.
3. The licensees violated Section §11-511(c) of Article 2B by serving alcoholic beverages after hours on January 1, 2011.
4. The licensees violated Section §5.13 of the Board's Regulations by serving alcoholic beverages after hours. Did the licensees violate Section 5.19(d) of the Boards regulations by serving alcoholic beverages after hours on January 1, 2011.

Charge three:

1. The licensees or an employee allowed patrons to remain in the establishment after 2:00AM on Saturday, January 1, 2011.
2. The licensees violated Section 5.13 of the Board's Regulations by allowing patrons to remain in the establishment after hours on January 1, 2011.

Charge four:

1. There were customers inside the premises after 2:00AM on Saturday, January 15, 2011.
2. One or more patrons consumed alcoholic beverages after 2:00AM on January 15, 2011.
3. The licensees or an employee knowingly permitted the consumption of the alcoholic beverages after 2:00AM on January 15, 2011.
4. The licensees violated Article 2B, §11-304(l)(1) by allowing after hours consumption of alcoholic beverages on January 15, 2011.
5. The licensees violated Section §11-511(c) of Article 2B by allowing the after hours consumption of alcoholic beverages on January 15, 2011.
6. The licensees violated Section 5.9 of the Board's Regulations by allowing the after hours consumption of alcoholic beverages on January 15, 2011.
7. The licensees violated Section 5.19(d) of the Board's Regulations by allowing the after hours consumption of alcoholic beverages on January 15, 2011.

Charge five:

1. The licensees or an employee allowed patrons to remain in the establishment after 2:00 AM on Saturday, January 15, 2011.
2. The licensees violated Section 5.13 of the Board's Regulations by allowing patrons to remain in the establishment after hours on January 15, 2011.

**MOTION ONE:** Mr. Snyder made a motion for a fine of \$300 for the violations on January 1, 2011 and for the



violations on January 15, 2011 a fine of \$700 plus 30 days suspension with 20 days probation and 10 days suspension to start immediately.

**SECOND:** Mr. Cline seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Snyder – Aye  
Mr. Cline – Aye  
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

11. Decision Required: Approval of the Public Meeting Minutes for April 18, 2011, May 9, 2011 and May 16, 2011.

The Public Meeting Minutes of April 18, 2011, May 9, 2011 and May 16, 2011 were approved.

**MOTION:** Mr. Cline made a motion to approve the minutes for April 18, 2011, May 9, 2011 and May 16, 2011.

**SECOND:** Mr. Snyder seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Cline – Aye  
Mr. Snyder-Aye  
Mr. McClellan-Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

**ADJOURN**

The meeting was adjourned at 10:15 am.

Respectfully submitted,

Kathy Vahle, Administrator  
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees